

EXHIBIT 61

Memorandum to Roy W. Stoddard
from E.W. Kronquist, Irrigation Manager

MEMORANDUM TO ROY W. STODDARD, SPECIAL ASSISTANT
TO THE ATTORNEY GENERAL

RE - WALKER RIVER SUIT - WEBER RESERVOIR

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Dear Mr. Stoddard:

With further reference to our conference of December 28th last, there were four points to be clarified after further examination.

I have examined the records of the Nevada State Engineer's Office at Carson City, also those of the State Engineer of California at Sacramento, and had a rather lengthy conference with Mr. E. C. Fortier--Supervising Engineer of the Indian Irrigation Service, and Mr. Geraint Humphries--Chief Field Counsel of the same Service, while at Los Angeles on January 2nd-4th inclusive, this year.

Taking up the points in order:

1. Regarding the discrepancy in the length of the irrigation season as indicated in a recent letter of Myron R. Adams, it appears that the St. Sure Decree gives the season as of March 1st to September 30th, while Decree 731, which becomes a part of the new Decree, establishes the season as of March 1st to October 30th of each year. With these conditions in force, it would appear that no one would have a right to either irrigate or store water during the Month of October under the St. Sure Decree, but I fail to see where this makes any difference as far as the Government is concerned.

2. Priority of storage rights - Weber Reservoir. No filings were made with the State Engineer either before or during construction of the Weber Reservoir, due to the objection of Mr. Ethelbert Ward, Former Special Assistant to the Attorney General in charge of the Walker River Suit. You are well acquainted with Mr. Ward's objection and I won't dwell any further on that matter. Whether or not we made filings, our studies indicate that sufficient winter water would originate below the existing Bridgeport and Topaz Reservoirs to fill Weber Reservoir (capacity 15,000 a.f.) in any normal year, regardless of how the above reservoirs were manipulated or operated. However, during several of recent drought years, the winter flow of Walker River fell below 15,000 a.f. at Weber Dam, and on one year it fell as low as 5500 a.f., so it is quite apparent that it would not fill each and every year.

As the drainage system in Mason Valley is developed, the winter flow will be increased materially, although this will depend somewhat on the proper location and construction of the West Side drain in Mason Valley which is now under construction.

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This ditch will drain a part of the lower West Mason Valley, which normally drains to the Carson River due to peculiar topography of this area. The current practice, including the Indian Service itself, is to turn surplus and drainage water into sloughs that flow towards the Carson River and to allow to waste in ponds and large sloughs in the northwest corner of Mason Valley. In years of abnormally large run-off, these sloughs are completely filled and overflow into Adriaance Valley, the connecting Valley between Mason Valley and the Carson River. A small amount of this water actually reaches the Carson River at times but in general, this water is lost by evaporation. With proper location and construction of this drain, Weber Reservoir would receive between 2000 and 4000 acre feet of additional winter flow, which would be of material benefit to the Reservoir in years of low flow. If the practice of wasting this water is continued for any length of time, someone is sure to file on it, which may result in complete loss of this supply to the Walker River System.

A search of the State Engineer's files at Sacramento discloses no recent filings for storage water on either the East or West Walker River. In the Nevada State Engineer's office I found one application by the Walker River Irrigation District for the storage of 20,000 acre feet, the dam to be in what is known as Hoyo Canyon, which is about six miles below the existing Topaz Reservoir. The map was filed May 27, 1932. The application is still pending as the State Engineer has taken no action in regard to it--neither approving or disapproving. Construction of this reservoir would diminish the flow of the Weber Reservoir to a slight extent, but probably would not be serious. This is the only application that the State Engineer of Nevada has that may affect our rights.

I will write the Supervising Engineer, E. C. Fortier, recommending that maps of the Weber Reservoir be prepared with a view of filing with both the State Engineer of Nevada and of California, at which time notice should be given to both offices of its construction.

3. This pertains to the matter of point of diversion for the Walker River project as established in the St. Sure decree. As you know, I called your attention to the ambiguity of the language of this Decree which left this matter somewhat in doubt, and with an unfriendly watermaster, it would be possible for him to construct the language so as to deliver our water at the Reservation boundary--some 19 miles above our existing diversion dam.

Studies on this stretch of river have shown transportation losses as high as 20 second feet per day, and if it were possible to deliver to the Reservation boundary rather than the diversion dam, it may result in our getting about $6\frac{1}{2}$ second feet of water out of the 26.25 as decreed to us. Delivering the water to the existing diversion point would also involve the matter of

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taking the water through our Weber Reservoir.

With the thought in mind of establishing our existing diversion dam as the point where the water should be diverted, I took the matter up with you of clarifying the language of the Decree to make this possible. Apparently, the Washington office was somewhat confused by the whole issue and attempts to establish the right to divert at the upper boundary of the Reservation, or even above it, which is not the idea at all.

4. The matter of inserting the wording, at the end of line 26, page 28 of proposed decree "the date of establishment of the Reservation", appears to make no difference in the Decree itself, but may facilitate adjudication of future disputes. I see no reason why the wording should not be entered in the Decree or why anyone should have any objection to it.

E. W. Kronquist

E. W. KRONQUIST,
Irrigation Manager -
Uintah and Ouray Indian Agency.

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